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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,823	07/23/2003	Scott Goldthwaite	WS-102	7792
27769	7590	09/24/2007		
AKC PATENTS 215 GROVE ST. NEWTON, MA 02466			EXAMINER HANNON, CHRISTIAN A	
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			09/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/625,823

Applicant(s)

GOLDTHWAITE ET AL.

Examiner

Christian A. Hannon

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 16-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This action is response to applicant's response filed 7/6/2007. Claims 1-15 are now pending in the present application. **This action is made final.**

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song et al (US 2002/0047045), hereinafter Song, in view of Fox et al (US 5,943,624), hereinafter Fox.

Regarding claim 1, Song teaches a wireless mobile device adapted to access a wireless network comprising a SIM card slot (Figure 4, 'Expansion Slot'; Page 1, [0008]; Song) and a smart card reader module electrically connected to said wireless mobile device via said SIM card slot (Page 1, [0009], Page 2, [0027-0028]; Song). However Song fails to explicitly teach a contactless smart card reader/writer adapted to receive and read information stored in a contactless smart card residing outside of the mobile device and transmit said information to an entity via said wireless network. Fox teaches a contactless smart card reader/writer adapted to receive and read information stored in a contactless smart card residing outside of the mobile device and transmit said information to an entity via said wireless network (Column 2, Lines 18-21, 26-29; 53-63;

Art Unit: 2618

Fox). Therefore it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Fox into those of Song in order to provide a smartcard that does not require contact with an external reader in order to perform a transaction with a smartcard.

Regarding claim 2, Song and Fox teach the device of claim 1 wherein said contactless smart card reader/writer module is further adapted to receive information from said entity via said network and transmit and write said information in said contactless smart card (Column 2, Lines 26-29; 53-63; Fox).

Regarding claim 3, Song and Fox teach the device of claim 1 wherein said information is selected from a group consisting of cardholder identification information (Column 1, Lines 9-11; Fox).

Regarding claim 4, Song and Fox teach the device of claim 3, wherein said digital goods are selected from a group consisting of electronic cash (Column 1, Lines 9-11; Fox).

Regarding claim 5, Song and Fox teach the device of claim 1, further comprising a memory a CPU (Figure 4, Item 150; Fox), a SIM card connected to said SIM card slot, said SIM card authenticating said wireless mobile device to said wireless network (Page 3, [0031]; Song) and a first application program associated with said memory and said CPU and being adapted to receive and transmit instructions from said contactless smart card reader/writer module to said wireless mobile phone and the reverse (Page 2, [0029]; Song).

Regarding claim 6, Song and Fox teach the device of claim 5, further comprising a second application program associated with said memory and said CPU and being adapted to route and transmit data and information among said wireless mobile phone, said smart card reader/writer module, and other interfaces connected to said CPU (Page 1, [0002]; Song).

Regarding claim 7, Song and Fox teach the device of claim 6, wherein said other interfaces are selected from a group consisting of smart card interfaces (Page 3, [0031]; Song).

Regarding claim 8, Song and Fox teach the device of claim 6, wherein said first and second application programs are stored in storage selected from a group consisting of said CPU, said SIM card, an external SIM card, said contactless smart card and an external card (Figure 3, Item 43; Column 3, Lines 35-45; Fox).

Regarding claim 9, Song and Fox teach the device of claim 1, further comprising an antenna for receiving and transmitting messages to and from said contactless smart card (Figure 2, Item 26; Fox).

Regarding claim 10, Song and Fox teach the device of claim 1, wherein said wireless mobile device is selected from a group consisting of a PDA (Page 1, [0002]; Song).

Regarding claim 11, Song and Fox teach the device of claim 1, wherein said wireless network is selected from a group consisting of a private network (Page 1, [0005]; Song).

Regarding claim 12, Song and Fox teach the device of claim 11 wherein said wireless wide area network is selected from a group consisting of a GSM, CDMA, CDMA 2000 or WCDMA (Column 2, Line 67; Column 3, Lines 1-2; Fox).

Regarding claim 13, Song and Fox teach the device of claim 1, wherein said wireless mobile device is used for making financial transactions between a user and said entity with said contactless smart card over said network (Page 1, [0002], Page 3, [0031]; Song; Column 5, Lines 5-12; Fox).

Regarding claim 14, Song and Fox teach the device of claim 13, wherein said financial transactions between said user and said entity are face to face (Page 1, [0002]; Song).

Regarding claim 15, Song and Fox teach the device of claim 13 wherein said financial transactions between said user and said entity are remote (Page 1, [0002]; Song).

### ***Response to Arguments***

3. Applicant's arguments filed 7/6/2007 have been fully considered but they are not persuasive.

In regards to applicant's arguments regarding claim 1, it is believed by the examiner that the applicant has misinterpreted the rejection. The examiner has cited the "External Smart Card Slot" "Smart Card Connector" and "Smart Card Interface Unit" of figure 4, of Song to read on the limitation "a contactless smart card reader/writer module electrically connected to said wireless mobile device via said SIM card slot."

That is to say that obviously the "Smart Card Connector" and "External Smart Card Slot" are parts of the mobile device taught by Song, therefore it stands that the "Smart Card Interface Unit" is connected via the "Smart Card Connector" electrically to the mobile phone, that part being the "External Smart Card Slot." The examiner wishes to note also that the "Smart Card Interface Unit" as taught by Song in figure 4 is configured for read/write operations (Page 3, [0031]; Song).

In regards to the applicant's concerns with the Fox reference that it is related to a smart card and not a smart card reader/writer, the examiner has construed any smart card capable of updating data is a smart card reader/writer, that is it reads the information to establish a connection and is able to update or change a value in the card, that is writing to the card. Without further detail to the claim language the examiner believes the rejection correct in view of the broadest possible interpretation of the claims. Therefore all claims herein remain rejected.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2618

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian A. Hannon whose telephone number is (571) 272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
C. A. Hannon

September 6, 2007

  
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